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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: CC Docket 94-102

Dear Madame Secretary:

Enclosed pursuant to Section 1.1206 of the Commission's rules are originals and one copy each of two letters left with all five Commissioners and their legal advisors for wireless matters during visits yesterday, November 8, 1999, in connection with discussions of the cost recovery rule for wireless E911 service, 47 CFR §20.18(f), developed in the referenced proceeding. The content of the letters to the Chairman was the same for the other Commissioners.

Attending the meetings on behalf of the National Emergency Number Association ("NENA") and its Illinois chapter were NENA President William H. Hinkle, NENA First Vice President Norman H. Forshee, and the undersigned, as counsel to NENA. Attending on behalf of the National Association of State Nine One One Administrators ("NASNA") was its President, Jim Goerke. Present on behalf of the Cellular Telecommunications Industry Association ("CTIA") were Brian Fontes and Michael Altschul. Rob Cohen attended on behalf of SCC Communications Corporation.

The letters served as the basis for discussion and elaboration of NENA and NASNA's joint view, previously expressed on the record of CC Docket 94-102, that the cost recovery rule should not be changed.

Please direct any questions to the undersigned or to W. Mark Adams, NENA Executive Director, at the NENA address shown in the two enclosures.

Sincerely,

James R. Hobson

cc: Thomas Sugrue, WTB

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November 8, 1999

The Honorable William E. Kennard
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Chairman Kennard:

As the representative for the Illinois Chapter of the National Emergency Number Association (INENA) I would like to express our appreciation for the opportunity to meet and present our views concerning very important decisions involving 9-1-1 that will be coming before your commission in the near future.

I believe it is important for you to understand that my visit here was funded by the educational fund of INENA. The Illinois Chapter of NENA and the Illinois Chapter of APCO members have provided those funds. I believe that this indicates the consensus reached among all participants of Public Safety in the State of Illinois that the cost recovery changes proposed to the commission and soon to be recommended by your staff is not what is in the best interest of 9-1-1 in our State.

We feel very strongly that the current cost recovery mechanism should be left in place. We feel that to change this cost recovery mechanism at this time will have the very real possibility of dooming wireless 9-1-1 legislation scheduled to come before the legislators in the State of Illinois this month. We agree fully with the comments in the letter presented to you by William Hinkle, NENA President dated November 8, 1999. We support NENA, NASNA, the State of Texas, and Greater Harris County in their efforts to prevent the proposed changes from taking effect.

INENA has been attempting to have wireless 9-1-1 legislation acted upon for five years. It is the current cost recovery language that has caused the wireless industry and Public Safety in our State to come together, agree on legislation and work together to get that legislation adopted. Without the requirement the vast majority of 9-1-1 systems in our State would not have had the financial ability to make the necessary changes to put themselves in a position of asking for wireless Phase I or Phase II. It was only through the cooperation of wireless telephone companies and public safety that the 9-1-1 systems were able to obtain the financial ability to be able to implement changes that will allow them to ask for wireless 9-1-1 services.

Yes, it can be argued that the process has taken a long time but there are many factors that enter into the equation. The lack of liability protection (included in our proposed legislation), the interest by some parties in the future of private enterprises currently involved in answering 9-1-1 calls, and 311.


It is our feeling that wireless and wireline 9-1-1 are one in the same system and that without wireless cost recovery for both the public safety sector and the wireless telephone companies the ability to provide 9-1-1 services to the public will suffer for persons using either system.

We are deeply concerned that if the cost recovery mechanism is removed and if wireless companies are allowed to bill and keep there will no longer be an impetus for them to help us move forward and obtain the necessary funding necessary for us to provide 9-1-1 services. We feel our proposed legislation will in fact die.

We ask that your commission reject the proposal made by one public safety professional organization and supported by your staff in favor of the arguments put forth by the majority of the other signers to the original agreement.

Once again I thank you on behalf of Illinois NENA and its membership for providing us with the opportunity to be heard.

Sincerely,



Norman H. Fershee
INENA Legislative Chair

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November 8, 1999

The Honorable William E. Kennard
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Chairman Kennard:

The purpose of this letter is inform you of NENA's opposition to the Staff's proposal to remove cost recovery language from the wireless E9-1-1 rules, and to provide you with our analysis of the proposal. NENA is an educational organization dedicated exclusively to promoting standards and education in 9-1-1 and emergency telecommunications. NENA has a membership of 7000 managers and executives in the 9-1-1 industry.

Background

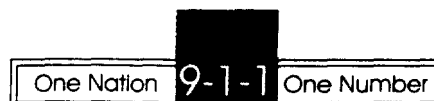
The cost recovery language provides a conditional requirement upon wireless carriers to provide wireless location services when two conditions are fulfilled. When a PSAP requests service, and when there is adequate cost recovery in place to provide for those services. This conditional requirement on the wireless carrier has proven to be an effective incentive for wireless carriers to join with Public Safety entities in supporting cost recovery legislation. At this time, our organization estimates that 30 of the 50 states have passed cost recovery legislation under this model.

Removing the Language Will Cause Unintended Consequences and Slow Implementation

NENA is aware that the Wireless Bureau Staff believes that removing the cost recovery language will remove an impediment to implementing Phase I and Phase II location services. While there is some anecdotal evidence in the record that suggests wireless carriers have not negotiated due to the carrier's views on cost recovery, there is nothing in the record to suggest that completely removing the language will stimulate implementation.

To the contrary, there are more likely several negative unintended consequences of removing the cost recovery language:

1. **Funding Legislation Will Slow.** Currently, 20 states do not have funding legislation. Removing the cost recovery language eliminates the incentive for wireless carriers to participate in passing state legislation.
2. **Over 2700 requests for service will freeze.** Currently, one reliable industry source indicates that there are over 2700 requests for Phase I location services. Changing the cost recovery requirement mid-stream will create uncertainty in these negotiations and cause delay in their implementation.
3. **Currently "Funded" States Become Uncertain.** It is likely wireless carriers and Public Safety entities will begin to question their respective rights and obligations in the 30 states that have legislation after the cost recovery requirement is removed.



4. **Wireless Carriers May Look to Private PSAPs for Assistance.** The current language assures the wireless carrier that at least some form of funding is present before their obligation is triggered. The rules also contemplate PSAPs having the funds and ability to upgrade and receive the location information. Removing this requirement may encourage wireless carriers to seek low cost and upgraded entities (perhaps Private or Intermediate PSAPs) as an alternative means to meet their obligations.

These consequences will lead to more delays in implementation.

Emergency Telecommunications and a Sense of Urgency

We believe the Commission should continue its mission of promoting public safety. Promulgating, and enforcing these rules as they are currently in place, will continue to send a message to the wireless industry that Public Safety is best served with a sense of urgency. To delay one contract negotiation or to slow the process of one state's legislative efforts would send a message to the Public Safety Community, and to the American public that the Commission is indifferent to the sense of urgency that is present in emergency telecommunications.

For these reasons, we respectfully urge you to reject the Staff recommendation to remove the cost recovery language from the rules.

Very truly yours,



William H. Hinkle
President
National Emergency Number Association